

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

\$13,272.00 in United States Currency,

Defendant.

Civil Action No.: 5:20-cv-289 (TJM/ATB)

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The United States of America brings this verified complaint for forfeiture *in rem* against the above-captioned asset (the “defendant currency”) and alleges as follows:

**NATURE OF THE ACTION**

This is an action *in rem* brought pursuant to 21 U.S.C. § 881(a)(6) and Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions. Forfeiture is sought of the defendant currency as money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or money used or intended to be used to facilitate violations of 21 U.S.C. §§ 841 and 846.

**THE PARTIES**

- 1) Plaintiff is the United States of America.
- 2) The defendant currency is \$13,272.00, which is in the custody of the United States.

**JURISDICTION AND VENUE**

- 3) This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.
- 4) This Court has *in rem* jurisdiction over the defendant currency pursuant to 28 U.S.C. § 1355(b).

- 5) Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395.

### **FACTS**

6) In 2014, the Syracuse Police Department (“SPD”) began an investigation into illegal narcotics trafficking by Jevon Mitchell (“Mitchell”).

7) During the course of the investigation, physical surveillance of Mitchell’s activities was conducted and a series of controlled buys of cocaine were initiated.

8) Mitchell attempted to hamper law enforcement investigation by utilizing rental vehicles, which he changed frequently, and numerous “stash houses” where he stored narcotics, monetary proceeds and other related contraband.

9) Law enforcement estimated Mitchell was selling multiple ounces of cocaine at approximately \$1,000.00 to \$1,400.00 per ounce, making him a mid-to-high level dealer for the Syracuse area.

10) Mitchell repeatedly traveled between three locations within the City of Syracuse: 171 Maplehurst Avenue, 318 Helen Street - 1<sup>st</sup> Floor, and 408 Cannon Street.

11) 171 Maplehurst Avenue is Mitchell’s primary residence.

12) Based on SPD’s observations of Mitchell’s activities, it was determined that 318 Helen Street - 1<sup>st</sup> Floor and 408 Cannon Street were being utilized by Mitchell as stash houses.

13) On October 8, 2019, SPD applied for and were granted state search warrants for the two stash houses and Mitchell’s residence, as well as one of Mitchell’s vehicles. The warrants were signed by Hon. James Cecile, Syracuse City Court Judge.

14) On October 9, 2019, at approximately 5:40 A.M., law enforcement officers from SPD and various local agencies simultaneously executed the search warrants.

### **Search of 171 Maplehurst Avenue, Syracuse, New York**

15) At the time of the search of his residence on Maplehurst Avenue, Mitchell, his girlfriend, Nakeema Whitehead (“Whitehead”), and their two young children were present. Mitchell was detained separately while the search was conducted.

16) Mitchell admitted that he had a large amount of cash in the residence because he was getting ready to “re-up” his supply [of drugs] by purchasing 7.5 ounces of cocaine and a quantity of marijuana at 5:00 P.M. that evening.

17) Mitchell repeatedly stated: “It’s all mine, whatever here [171 Maplehurst Avenue] is mine.”

18) While executing the search warrant, investigators observed cocaine and drug paraphernalia throughout the house, including baking soda (typically used as a cutting agent), plastic baggies used for “tie-offs<sup>1</sup>”, 3 digital scales, a stun gun, and 6 cell phones secreted throughout the house. Cocaine residue was found throughout the kitchen and master bedroom.

19) In addition, investigators found a 9mm Luger handgun round and an electric money counter.

20) Mitchell directed investigators to the defendant currency, which was located in the children’s bedroom and the master bedroom.

21) \$9,000.00 in U.S. currency was located in the children’s bedroom in a middle drawer under a bed, underneath children’s clothing in thick, folded bundles.

22) \$4,373.00 in U.S. Currency was located in the master bedroom, stuffed in thick, folded bundles in the pocket of a men’s denim hoodie lying on the bed.

23) In the detached garage, under the seat of a children’s electric riding toy,

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<sup>1</sup> To package a drug, such as cocaine, into a smaller portion for sale, a portion of cocaine in an intact sandwich bag is filtered to a single corner of the baggie and the baggie is then “tied off,” leaving remnants of torn plastic baggie.

investigators located approximately 14 grams of cocaine.

**Search of 318 Helen Street, Syracuse New York**

24) Helen Street was a known stash house and makeshift laboratory where Mitchell stored cocaine and cooked crack for resale. The apartment was sparsely furnished.

25) While executing a warrant at this building, investigators observed loose amounts of residual cocaine scattered across the kitchen countertops and several cabinet drawers, four digital scales, an opened box of a cutting agent, a spoon, a sifter, a glass measuring cup and a bowl, all covered in a fine residue of cocaine.

**Search of 408 Cannon Street**

26) 408 Cannon Street, Syracuse, New York is the home of Mitchell's mother, Desma Mitchell, and her boyfriend, Gary Edwards.

27) Within the residence, investigators found eight digital scales which tested positive for cocaine residue, more plastic baggies used for "tie-offs", an assortment of black rubber bands, and a round of 9mm ammunition.

28) In the basement, investigators found ammunition, a vacuum sealed bag containing cocaine residue, and a Hungarian Interarms 9mm handgun, serial no.: 02136, in a box wrapped in a knit hat.

29) In a shoebox on a stairwell leading to the upstairs bedrooms, investigators found two additional firearms, a loaded Glock model 19, 9mm handgun, serial no.: AYY749 US, and a loaded SCCY CPX-1 9mm handgun, serial no.: 032222, along with a partially full box of 9mm ammunition.

30) Mitchell was arrested and charged with Criminal Possession of a Controlled Substance in the 3<sup>rd</sup>, 4<sup>th</sup> and 7<sup>th</sup> degrees, Criminal Use of Drug Paraphernalia in the 2<sup>nd</sup> degree and



Criminal Possession of a Weapon in the 4<sup>th</sup> degree. Mitchell met bail and his case is currently pending prosecution with the Onondaga County District Attorney's Office.

31) Whitehead was arrested and charged with Criminal Possession of a Controlled Substance in the 3<sup>rd</sup>, 4<sup>th</sup> and 7<sup>th</sup> degrees, Criminal Use of Drug Paraphernalia in the 2<sup>nd</sup> degree and Criminal Possession of a Weapon in the 4<sup>th</sup> degree. Whitehead met bail and her case is currently pending prosecution with the Onondaga County District Attorney's Office.

32) In December 2019, Whitehead filed an administrative claim with the Drug Enforcement Administration to the \$13,000.00 that was seized from the Maplehurst Drive residence. She swore, under penalty of perjury, that she earned all of the money as a Certified Nursing Assistant.

33) In December 2019, Mitchell filed an administrative claim with the Drug Enforcement Administration to the \$272.00 that was seized from the Maplehurst Drive residence. He swore, under penalty of perjury, that he earned the money cutting hair.

### **CONCLUSION**

34) As required by Supplemental Rule G(2)(f), the facts set forth above support a reasonable belief that the government will be able to meet its burden of proof at trial. Specifically, probable cause exists to believe that the defendant currency is money furnished or intended to be furnished in exchange for a controlled substance, proceeds traceable to such an exchange, or money used or intended to be used to facilitate violations of 21 U.S.C. §§ 841 and 846.

WHEREFORE, pursuant to Supplemental Rule G, plaintiff the United States of America, respectfully requests that the Court:

- a) Issue a warrant of arrest *in rem*, in the form submitted with this complaint;
- b) Direct any person having any claim to the defendant currency to file and serve their

verified claims and answers as required by 18 U.S.C. § 983(a)(4) and Supplemental Rule G;

c) Enter judgment declaring the defendant currency to be forfeited and condemned to the use and benefit of the United States; and

d) Award such other and further relief to the United States as it deems proper and just.

Dated: March 13, 2020

Respectfully Submitted,

GRANT C. JAQUITH  
United States Attorney

By:

/s/ Mary E. Langan

Mary E. Langan  
Assistant United States Attorney  
Bar Roll No. 518971

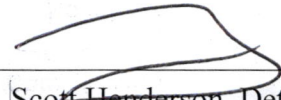
**VERIFICATION**

STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF ONONDAGA                )

Scott Henderson, being duly sworn, deposes and states:

I am a Detective with the Syracuse Police Department. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers

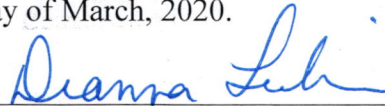
Dated this 13<sup>th</sup> day of March, 2020.



Scott Henderson, Detective

Syracuse Police Department

Sworn to and subscribed before me this 13<sup>th</sup> day of March, 2020.



Notary Public

DEANNA LIEBERMAN  
Notary Public, State of New York  
No. 01LI6105102  
Qualified in WAYNE County  
Commission Expires FEBRUARY 2, 2024

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Onondaga  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Mary E. Langan, Assistant U.S. Attorney (315) 448-0650  
United States Attorney's Office, 100 South Clinton Street  
Syracuse, New York 13261

**DEFENDANTS**

\$13,272.00 in United States Currency,

County of Residence of First Listed Defendant Onondaga  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION**

(Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |  |                            |                            |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
|   | <b>PTF</b>                 | <b>DEF</b>                 |  | <b>PTF</b>                 | <b>DEF</b>                 |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT**

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21USC 881(a)(6)

Brief description of cause:

Drug proceeds/facilitation**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

**JURY DEMAND:**☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/13/2020

s/Mary E. Langan

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RECEIPT # \_\_\_\_\_ AMOUNT Waived APPLYING IFP \_\_\_\_\_ JUDGE TJM MAG. JUDGE ATB

5:20-cv-289

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